

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

-against-

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-against-

TRUST UNDER DEED OF SUZANNE R. MAY  
DATED NOVEMBER 23, 1994, INDIVIDUALLY  
and as BENEFICIARY of ESTATE OF SUZANNE  
R. MAY, et al.,

Defendants.

Adv. Pro. No. 10-5231 (SMB)

DISCOVERY ARBITRATOR'S ORDER

By Stipulation and Order dated March 22, 2017, subsequently entered on March 24, 2017, the parties referred to me a discovery dispute concerning the Defendants' alleged failure to respond to the Trustee's Requests for Admission, Interrogatories, and Requests for the Production of Documents and Things ("Discovery Requests").

Pursuant to the Stipulation and Order, the Trustee was required to submit to me via email within three days a letter summarizing the discovery dispute. The Trustee sent such a letter on March 29, 2017. The letter indicates that copies also were sent to both Jeffrey Bernfeld and David Bernfeld, counsel for the defendants. In his letter, the Trustee represents that responses to the Discovery Requests were due by December 5, 2016, but have not been served.

Pursuant to the Stipulation and Order, defense counsel were required to submit any opposition to the Trustee's letter within ten days of its entry. Despite that requirement, I have received no response.

Accordingly, it is hereby ORDERED that by April 21, 2017, the Defendants show cause, in writing, why the Discovery Arbitrator should not (1) enter an order requiring compliance with the Discovery Requests by a date certain, and (2) impose sanctions if the Defendants fail to comply with that order. Thereafter, the Discovery Arbitrator will hold a telephone conference on April 27, 2017, at 10 a.m. Call-in instructions will be circulated by JAMS, Inc. Counsel for the Defendants must participate in the telephone call.

SO ORDERED.

Dated: New York, New York  
April 13, 2017

A handwritten signature in blue ink, appearing to read "Frank Maas", is positioned above a horizontal line.

FRANK MAAS  
Discovery Arbitrator

Copies to Counsel of Record via ECF